

## CHAPTER 190

### IOWA COMMUNITY EMPOWERMENT — MISCELLANEOUS PROVISIONS

#### S.F. 439

AN ACT relating to the Iowa community empowerment Act and related provisions, and providing effective dates.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 71.1, subsection 5, Code 1999, is amended to read as follows:

5. "Iowa empowerment board" or "Iowa board" means the Iowa empowerment board created in ~~this chapter section 71.2.~~

Sec. 2. NEW SECTION. 71.1A PURPOSE AND SCOPE.

1. The purpose of creating the community empowerment initiative is to empower individuals and their communities to achieve desired results for improving the quality of life in the communities in this state. It is expected that the empowerment of individuals will strengthen the individuals' sense of responsibility for their neighbors and promote partnerships in order for all to succeed. It is believed that the desired results identified by individuals and their communities, with the support of the state, will be achieved as individuals, governments, and agencies work collaboratively within communities. It is believed that local individuals in local communities working together will identify and implement the best means for attaining the desired results for themselves and their neighbors. The role of the Iowa empowerment board, the state, and local governments is to support and facilitate growth of individual and community responsibility in place of the directive role that the public has come to expect of government.

2. It is intended that through the community empowerment initiative, by June 30, 2005, every community in Iowa will have developed the capacity and commitment for using local decision making to achieve the following initial set of desired results:

- a. Healthy children.
- b. Children ready to succeed in school.
- c. Safe and supportive communities.
- d. Secure and nurturing families.
- e. Secure and nurturing child care environments.

3. To achieve the initial set of desired results, the initiative's primary focus shall first be on the efforts of the state and communities to work together to improve the efficiency and effectiveness of education, health, and human services provided to families with children from birth through age five years.

4. It is anticipated that the scope of the initiative will expand as additional desired results are identified and agreed upon by communities and the state. It is the intent of the general assembly to identify from time to time the additional desired results in statute.

Sec. 3. Section 71.2, subsections 1 and 2, Code 1999, are amended to read as follows:

1. An Iowa empowerment board is created to ~~oversee~~ facilitate state and community efforts involving community empowerment areas, including strategic planning, funding identification, and guidance, and to promote collaboration among state and local education, health, and human services programs.

2. The Iowa board shall consist of ~~eleven~~ fifteen voting members with ~~eight~~ twelve citizen members and three state agency members. The three state agency members shall be the directors of the following departments: education, human services, and public health. The twelve citizen members shall be appointed by the governor, subject to confirmation by the senate. The governor's appointments of citizen members shall be made in a manner so that all each of the state's congressional districts ~~are~~ is represented ~~along with~~ by two citizen members and so that all the appointments as a whole reflect the ethnic, cultural, social, and

economic diversity of the state. ~~In making appointments, preference shall be given to citizens participating on a~~ The governor's appointees shall be selected from individuals nominated by community empowerment area board boards. The nominations shall reflect the range of interests represented on the community boards so that the governor is able to appoint one or more members each for education, health, human services, business, faith, and public interests. At least one of the citizen members shall be a service consumer or the parent of a service consumer. Terms of office of all citizen members are three years. A vacancy on the board shall be filled in the same manner as the original appointment for the balance of the unexpired term.

Sec. 4. Section 71.2, subsection 4, Code 1999, is amended to read as follows:

4. In addition to the ~~eleven~~ voting members, the Iowa board shall include six members of the general assembly with not more than two members from each chamber being from the same political party. The three senators shall be appointed by the majority leader of the senate after consultation with the president of the senate and the minority leader of the senate. The three representatives shall be appointed by the speaker of the house of representatives after consultation with the majority and minority leaders of the house of representatives. Legislative members shall serve in an ex officio, nonvoting capacity. A legislative member is eligible for per diem and expenses as provided in section 2.10.

Sec. 5. Section 71.2, subsection 5, unnumbered paragraph 1, Code 1999, is amended to read as follows:

~~The Iowa board shall designate a~~ A community empowerment assistance team or teams of state agency staff representatives shall be designated to provide technical assistance and other support to community empowerment areas. A technical assistance system shall be developed using local representatives of the state agencies represented on the Iowa board and other state agencies and individuals involved with local community empowerment areas. The technical assistance shall be available in at least three levels of support as follows:

Sec. 6. Section 71.2, subsection 6, Code 1999, is amended to read as follows:

6. a. Staffing services to the Iowa board shall be provided by the state agencies which are represented on the Iowa board and by other state agencies making staffing available to the Iowa board.

b. In addition, a community empowerment office is established as a division of the department of management to provide a center for facilitation, communication, and coordination for community empowerment activities and funding. Staffing for the community empowerment office shall be provided by a facilitator appointed by the governor, subject to confirmation by the senate, and who serves at the pleasure of the governor. A deputy and support staff may be designated, subject to appropriation made for this purpose. The facilitator shall submit reports to the governor, the Iowa board, and the general assembly. The facilitator shall provide primary staffing to the board, coordinate state technical assistance activities and implementation of the technical assistance system, and other communication and coordination functions to move authority and decision-making responsibility from the state to communities and individuals.

Sec. 7. Section 71.3, subsection 2, Code 1999, is amended to read as follows:

2. ~~Oversee~~ Manage and coordinate the provision of grant funding and other moneys made available to community empowerment areas by combining all or portions of appropriations or other revenues as authorized by law.

Sec. 8. Section 71.3, subsection 9, Code 1999, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Core functions for home visitation, parent support, and preschool services provided under a school ready children grant.

Sec. 9. Section 71.3, Code 1999, is amended by adding the following new subsections:

**NEW SUBSECTION.** 10. Implement a process for community empowerment areas to identify desired results for improving the quality of life in this state. The process shall allow for consideration of updates, additions, and deletions on a regular basis. The identified desired results shall be submitted to the governor and general assembly.

**NEW SUBSECTION.** 11. Develop guidelines for recommended coverage and take other actions to assist community empowerment area boards in acquiring necessary insurance or other liability coverage at a reasonable cost. Moneys expended by a community empowerment area board to acquire necessary insurance or other liability coverage shall be considered an administrative cost and implementation expense.

**NEW SUBSECTION.** 12. a. With extensive community involvement, develop and annually update a five-year plan for consolidating, blending, and redistributing state-administered funding streams for children from birth through age five made available to community empowerment area boards.

b. With extensive community involvement, develop and annually update a ten-year plan for consolidating, blending, and redistributing state-administered funding streams for other age groups made available to community empowerment area boards. The focus for the early years of the initial ten-year plan shall be on the efforts of the Iowa board and affected state agencies to facilitate implementation of individual community empowerment area board requests for pooling, consolidating, blending, and redistributing state-administered funding streams for other age groups.

c. Submit plans and plan updates developed under paragraphs "a" and "b" to the community empowerment areas, the governor, and the general assembly annually in December.

d. The Iowa empowerment board shall regularly make information available identifying community empowerment funding and funding distributed through the funding streams listed under this paragraph "d" to communities. It is the intent of the general assembly that the community empowerment area boards and the administrators of the programs located within the community empowerment areas that are supported by the listed funding streams shall fully cooperate with one another on or before the indicated fiscal years, in order to avoid duplication, enhance efforts, combine planning, and take other steps to best utilize the funding to meet the needs of the families in the areas. The community empowerment area boards and the administrators shall annually submit a report concerning such efforts to the community empowerment office. If a community empowerment area is receiving a school ready children grant, this report shall be an addendum to the annual report required under section 71.7. The state community empowerment facilitator shall compile and summarize the reports which shall be submitted to the governor, general assembly, and Iowa board. The funding streams shall include all of the following:

(1) Moneys for the healthy families Iowa program under section 135.106 by the fiscal year beginning July 1, 2000, and ending June 30, 2001.

(2) Moneys for parent education appropriated in section 279.51 and distributed through the child development coordinating council, by the fiscal year beginning July 1, 2000, and ending June 30, 2001.

(3) Moneys for the preschool children at-risk program appropriated in section 279.51 and distributed through the child development coordinating council, by the fiscal year beginning July 1, 2001, and ending June 30, 2002.

(4) Moneys for home visitation and parent support annually appropriated to the department of human services and distributed or expended through child abuse prevention grants and the family preservation program, by the fiscal year beginning July 1, 2000, and ending June 30, 2001.

Sec. 10. Section 71.5, subsection 1, Code 1999, is amended by striking the subsection and inserting in lieu thereof the following:

1. a. Community empowerment area functions shall be performed under the authority of a community empowerment area board. A majority of the members of a community board shall be elected officials and members of the public who are not employed by a provider of

services to or for the community board. At least one member shall be a service consumer or the parent of a service consumer. Terms of office of community board members shall be not more than three years and the terms shall be staggered. The membership of a community empowerment area board shall include members with education, health, human services, business, faith, and public interests.

b. If a disagreement arises within a community empowerment area regarding the interests represented on the community board, board decisions, or other disputes that cannot be locally resolved, upon request, state or regional technical assistance may be provided to assist the area in resolving the disagreement.

Sec. 11. Section 7I.5, Code 1999, is amended by adding the following new subsection:  
NEW SUBSECTION. 5. A community empowerment area board is a unit of local government for purposes of chapter 670, relating to tort liability of governmental subdivisions. For purposes of implementing a formal organizational structure, a community empowerment board may utilize recommended guidelines and bylaws established for this purpose by the Iowa board. All meetings of a community empowerment area board or any committee or other body established by a community board at which public business is discussed or formal action taken shall comply with the requirements of chapter 21. A community board shall maintain its records in accordance with chapter 22.

Sec. 12. Section 7I.6, subsection 1, paragraph a, Code 1999, is amended to read as follows:

a. Designate a public agency of this state, as defined in section 28E.2, a community action agency as defined in section 216A.91, or nonprofit corporation, to be the fiscal agent for grant moneys and for other moneys administered by the community board.

Sec. 13. Section 7I.7, subsection 5, paragraphs b and c, Code 1999, are amended to read as follows:

b. The Iowa ~~empowerment~~ board shall distribute school ready children grant moneys to community boards with approved comprehensive school ready children grant plans based upon ~~the degree~~ a determination of readiness of the community empowerment area to effectively utilize the moneys, with the grant moneys being adjusted for other federal and state grant moneys to be received by the area for services to children from birth through five years of age.

c. A community board's ~~degree of~~ readiness shall be ascertained by evidence of successful collaboration among public or private education, human services, or health interests or a documented program design evincing a strong likelihood of leading to a successful collaboration between these interests. Other criteria which may be used by the Iowa board to ascertain ~~degree of~~ readiness and to determine funding amounts include one or more of the following:

(1) Experience or other evidence of capacity to successfully implement the services in the plan.

(2) Local public and private funding and other resources committed to implementation of the plan.

(3) Adequacy of plans for commitment of local funding and other resources for implementation of the plan.

Sec. 14. Section 7I.8, subsection 3, Code 1999, is amended to read as follows:

3. An early childhood programs grant account is created in the Iowa empowerment fund under the authority of the director of human services. Moneys credited to the account shall be distributed by the department of human services in the form of grants to community empowerment areas pursuant to criteria established by the Iowa board in accordance with law. The criteria shall include but are not limited to a requirement that a community empowerment area must be eligible to receive a school ready children grant designated by the Iowa board in accordance with section 7I.4, in order to be eligible to receive an early childhood programs grant.

Sec. 15. Section 71.8, Code 1999, is amended by adding the following new subsection:  
NEW SUBSECTION. 4. Beginning July 1, 1999, unless a different amount is authorized by law, up to three percent, not to exceed sixty thousand dollars, of the school ready children grant moneys distributed under the auspices of the Iowa board to a community empowerment area board may be used by the community board for administrative costs and other implementation expenses.

Sec. 16. Section 232.188, Code 1999, is amended by adding the following new subsection:  
NEW SUBSECTION. 8. A decategorization governance board shall coordinate the board's planning and budgeting activities with the community empowerment area board for the community empowerment area within which the decategorization county is located.

Sec. 17. 1999 Iowa Acts, House File 760, section 2, subsection 1, paragraphs a and b, if enacted,\* are amended to read as follows:

a. The area must be ~~approved~~ designated as a community empowerment area by the Iowa empowerment board in accordance with section 71.4.

b. The maximum funding amount a designated community empowerment area is eligible to receive shall be determined by applying the area's percentage of the state's average monthly family investment program population in the preceding fiscal year to the total amount appropriated in this section for fiscal year 1999-2000. ~~If the a~~ community empowerment board's request for funding official designation is received by the Iowa empowerment board on or after ~~August~~ September 1, 1999, upon designation, the maximum funding amount shall be prorated for the fiscal year and rounded up to the nearest full month. The department of human services may adopt emergency rules to implement the provisions of this paragraph and the amendment in 1999 Iowa Acts, Senate File 439, to section 71.8, subsection 3, if enacted.\*\*

Sec. 18. FUNDING FORMULA.

1. The Iowa empowerment board shall develop a distribution formula for allocation of school ready children grant funding to new applicants and to applicants for renewal following expiration of the original grants' funding period. The distribution formula shall provide for an initial statewide allocation of the funding among the geographic areas represented by county and school district political subdivisions. The initial allocation shall be based upon the political subdivision area's relative proportion of the state's general population and population of children qualifying for free or reduced-price school lunches, plus a base amount for each political subdivision area. A community empowerment area board may apply for the initial allocation amount or amounts attributable to the community empowerment area covered by that board.

2. The Iowa empowerment board shall submit its recommended funding formula to the governor and general assembly by December 15, 1999, so that a formula may be enacted to be first applicable to the fiscal year beginning July 1, 2001. Notwithstanding section 71.7, subsection 5, the duration of any school ready children grant awarded on or after the effective date of this Act, shall not be for a three-year period but shall be adjusted so that renewal of the grant will be subject to the funding allocation formula to be first applicable to the fiscal year beginning July 1, 2001, and the duration of such grants and of grants initially awarded prior to the effective date of this Act shall be adjusted to annualize the distribution of funding to grantees as follows:

a. For the fiscal year beginning July 1, 1999, the duration of the second year of school ready children grants that were initially funded in the previous fiscal year shall be shortened to end on June 30, 2000, and the amount of the grant paid out in the fiscal year beginning July 1, 1999, shall be prorated accordingly. However, in the fiscal year beginning July 1, 1999, the three school ready children grant applications submitted in the December 1998 grant cycle which were recognized by the Iowa empowerment board for showing a high degree of readiness, received community empowerment area designation, and received

\* Chapter 203 herein

\*\* This chapter, chapter 190, §14 herein

partial funding in the fiscal year beginning July 1, 1998, shall each receive during the fiscal year beginning July 1, 1999, the annual amount applied for as adjusted by subtracting half of the amount of the partial funding received in the previous fiscal year. For those three grantees this adjusted amount shall apply to the entire 1999-2000 fiscal year and shall be considered to be the second year of grant funding. All grantees described in this lettered paragraph shall be eligible to receive the full annual amount applied for and approved, in the fiscal year beginning July 1, 2000.

b. The total amount that may be distributed in the fiscal year beginning July 1, 1999, to designated community empowerment areas for new school ready children grants initially awarded in that fiscal year shall not exceed \$3,750,000, the first-year funding period for those grants in that fiscal year shall commence October 1, 1999, and end June 30, 2000, and the annual amount applied for and approved shall be prorated accordingly. Those grantees shall be eligible to receive the full annual amount applied for and approved, in the fiscal year beginning July 1, 2000.

c. Of the funding appropriated for school ready children grants for the fiscal year beginning July 1, 1999, not more than \$200,000 is allocated for the community empowerment office and other technical assistance activities.

3. The deadline for applications for school ready children grants in the fiscal year beginning July 1, 1999, shall be August 31, 1999, with grant awards to be made on October 1, 1999.

4. The percentage of school ready children grant funding committed to home visitation and parent support services that is designed for families with newborns and infants by the designated community empowerment areas awarded grants in the fiscal year beginning July 1, 1998, is approximately 60 percent. For the fiscal year beginning July 1, 1999, based upon the need identified in the community needs assessment performed by an applicant community empowerment area, the applicant community empowerment area shall strive to commit an equivalent percentage of any approved school ready children grant funding to such services.

5. If unobligated school ready children grant funding can be identified by the Iowa empowerment board for the fiscal year beginning July 1, 1999, the board may authorize a school ready children grant supplement for partial assistance to those designated community empowerment areas for which the costs of necessary insurance or other liability coverage consumes a majority or other substantial portion of such areas' school ready children and early childhood grant moneys that may be used for administrative and other implementation expenses. The Iowa empowerment board shall determine procedures and other requirements to ensure the need for the assistance and to contain the total supplementation within the amount identified.

Sec. 19. DIRECTIONS TO CODE EDITOR. The Iowa Code editor shall transfer chapter 7I, as amended by this or any other enactment of the Seventy-eighth General Assembly, 1999 Session, to be placed in or near chapter 28L and shall correct internal references as necessary.

Sec. 20. EFFECTIVE DATE AND TRANSITION PROVISIONS.

1. Except for the provisions of this Act listed in this subsection, this Act, being deemed of immediate importance, takes effect upon enactment. The following provisions of this Act take effect July 1, 1999:

- a. Section 6, amending section 7I.2, subsection 6.
- b. Section 13, amending section 7I.7, subsection 5.
- c. Section 15, enacting 7I.8, subsection 4.
- d. Section 17, amending 1999 Iowa Acts, House File 760, section 2.\*

2. The governor's appointments of four additional citizen members shall be made from community empowerment area board nominees in a manner so as to ensure that each

\* Chapter 203 herein

congressional district is represented by at least two citizen members. The initial terms of the four additional members shall be staggered so that not more than four members' terms expire in any one year. The appointments shall be made within sixty calendar days of the effective date of this Act.

3. The Iowa empowerment board shall obtain extensive community input and involvement in adopting the administrative rules to implement the provisions of section 71.3, subsection 9, paragraph "c", as enacted by this Act, to be applicable to grants initially awarded or renewed on or after the effective date of this Act. The Iowa empowerment board may adopt emergency rules under section 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of section 71.3, subsection 9, paragraph "c", as enacted by this Act, on or before August 31, 1999, and the rules shall be effective immediately upon filing unless the effective date is delayed by the administrative rules review committee, notwithstanding section 17A.4, subsection 5, and section 17A.8, subsection 9, or a later date is specified in the rules. Any rules adopted in accordance with this subsection shall not take effect before the rules are reviewed by the administrative rules review committee. Any rules adopted in accordance with this subsection shall also be published as a notice of intended action as provided in section 17A.4.

4. The advisory council of representatives from community empowerment areas shall be used by the Iowa empowerment board to revise the application and the application process for school ready children grants for the grant cycle immediately following the effective date of this Act.

Approved May 27, 1999

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## CHAPTER 191

### EDUCATION PRACTITIONER PREPARATION PROGRAMS

H.F. 532

**AN ACT** relating to practitioner preparation programs and providing for a pilot study to assess the performance of teacher education graduates.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 256.16, Code 1999, is amended to read as follows:

256.16 SPECIFIC CRITERIA FOR TEACHER PREPARATION AND CERTAIN EDUCATORS.

1. Pursuant to section 256.7, subsection 5, the state board shall adopt rules requiring all higher education institutions providing practitioner preparation to ~~include~~ do the following:

a. Administer a basic skills test to practitioner preparation program admission candidates. Rules adopted shall require institutions to deny admission to the program to any candidate who does not successfully pass the test.

b. Include preparation in reading programs, including reading recovery, and integrate reading strategies into content area methods coursework.

c. Include in the professional education program, preparation that contributes to the education of students with disabilities and students who are gifted and talented, ~~which and~~ preparation in classroom management addressing high-risk behaviors including, but not limited to, behaviors related to substance abuse. Preparation required under this paragraph must be successfully completed before graduation from the practitioner preparation program.